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August 1, 2012

**BY FACSIMILE**

The Honorable Sidney H. Stein  
United States District Court for the Southern District of New York  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl St.  
New York, NY 10007-1312  
Fax: 212-805-7924

RECEIVED

Re: Automated Transactions LLC v. Astoria Federal Savings and Loan Association v. Metavante Corporation and Diebold Inc., Case No. 09-cv-9669-SHS

Dear Judge Stein:

This letter is in response to Plaintiff's July 26, 2012 letter requesting to add U.S. Patent No. 7,621,444 ("the '444 patent") to Plaintiff's proposed Third Amended Complaint (Dkt. #93-95) in Plaintiff's Motion for Leave to Serve and File a Third Amended Complaint (Dkt. #88) ("Plaintiff's Motion for Leave").

While Astoria Federal Savings and Loan Association ("Astoria") does not oppose Plaintiff including the '444 patent among the patents that it seeks to include in its Amended Complaint, Astoria continues to oppose Plaintiff's Motion for Leave for the reasons set forth in Astoria's Opposition to Plaintiff's Motion for Leave to Serve and File Amended Complaint (Dkt. #96) and supporting declaration (Dkt. #97).

To be clear, it is Astoria's position that Plaintiff should not be permitted to amend its Complaint to add *any* of the additional patents, including the '444 patent. Plaintiff's Motion for Leave should be denied, including with respect to the '444 patent.

*August 8, 2012  
Plaintiff's request to  
add U.S. Patent  
No. 7,621,444 to its proposed  
Third Amended Complaint  
is granted. The Court on p. 97's  
action at this time on p. 97's  
motion for leave to amend to  
which the proposed Third  
Amended Complaint is  
attached.  
S. H. Stein  
U.S.D.C.*

SNR DENTON 

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August 1, 2012  
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Sincerely,



Mark C. Nelson  
Partner

cc: Albert L. Jacobs, Jr.  
Gerard F. Diebner